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8 UNITED STATES DISTRICT COURT
9
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,
12
Plaintiff,
13
14 vs.
15 DARYL LEE HEATH
16 Defendant.

3:13-cr-00075-LRH-WGC

**DEFENDANT'S EMERGENCY
UNOPPOSED MOTION FOR REVIEW
AND AMENDMENT OF PRETRIAL
RELEASE CONDITIONS. EXPEDITED
RULING REQUESTED.**

17
18 CERTIFICATION: This Motion is timely filed, no time limit being applicable.

19 Defendant, DARYL LEE HEATH, by and through his attorney of record, LAUREN
20 GORMAN, Assistant Federal Public Defender, hereby moves this Honorable Court, for review and
21 amendment of the conditions of release entered by the Magistrate Judge on July 25, 2013. This
22 motion is made pursuant to 18 U.S.C. §§ 3142(c)(3) and 3145(a)(2) and is based upon the following
23 Points and Authorities and the papers and pleadings on file herein. Assistant United States Attorney
24 Carla Higginbotham does not oppose this motion.

25 **POINTS AND AUTHORITIES**

26 On July 25, 2013., this Court ordered Mr. Heath released under conditions: Defendant
27 shall submit to the location monitoring program and be on home detention (PR Bond (#10)). Mr.
28 Heath wears an ankle bracelet in order to comply with the condition of location monitoring. 18

1 U.S.C. § 3142(c) (3) provides "[t]he judicial officer may at any time amend the order to impose
2 additional or different conditions of release."

3 Mr. Heath has several tumors growing behind his left eye as well as various other
4 pressing health issues. He is being treated through the Veterans Administration (VA).

5 On October 22, 2014, Mr. Heath filed an unopposed motion to have his ankle bracelet
6 removed for an October 28, 2014 MRI procedure. On October 28, 2014, Mr. Heath went for the
7 procedure but had not taken the appropriate medication 45 minutes before the procedure. He was
8 sent home and the procedure was rescheduled for November 4, 2014 at 12:45 PM. (Exhibit A)
9 Mr. Heath therefore moves this court for an order permitting pretrial services to remove the bracelet
10 for the November 4, 2014 medical procedures in connection with Mr. Heath's medical treatment.

11 In addition, after consultation with Pretrial Services officer Jennifer Simone, Mr.
12 Heath moves this court to enter an order allowing Pretrial Services to remove the ankle bracelet
13 whenever they receive confirmation that Mr. Heath has a medical appointment requiring the removal
14 of the device, such as MRI procedures. This would dispense with the need to seek an independent
15 court order for every appointment requiring removal of the device and instead rely upon the
16 discretion of Pretrial Services to review the appropriate medical documentation and make the
17 determination.

18 Undersigned counsel has reached out to Pretrial Services and to Assistant United
19 States Attorney Carla Higginbotham and they do not oppose this motion. Undersigned counsel
20 requests an expedited ruling as the MRI is scheduled for November 4, 2014. Undersigned counsel,
21 yet again, apologizes for the late notice but received notice of the medical procedure only this
22 morning.

23 DATED this 29th day of October, 2014.

24
25 /s/ Lauren D. Gorman
26 LAUREN D. GORMAN
27 Asst. Federal Public Defender
28 Counsel for DARYL LEE HEATH

IT IS SO ORDERED this 30th day of October, 2014.

William J. Bobb
UNITED STATES MAGISTRATE JUDGE

EXHIBIT A

10/28/2014
H1929

DARYL LEE HEATH
[REDACTED]

Dear Mr. Daryl Lee Heath,

This is to notify you of the following VA clinic appointment(s):

TUESDAY	OCT 28, 2014	8:00 AM LAB - RADIOLOGY Clinic	
TUESDAY	OCT 28, 2014	9:00 AM RADIOLOGY MRI AM Clinic	
TUESDAY	NOV 4, 2014	12:45 PM RADIOLOGY MRI AM Clinic	<i>Take med 45 min prior</i>
TUESDAY	NOV 25, 2014	8:00 AM EAST CAMPUS LAB Clinic	
TUESDAY	DEC 2, 2014	8:30 AM PACT TEAMLET EC 16 (ALPHA) Clinic	
TUESDAY	DEC 2, 2014	9:00 AM PACT TEAMLET EC 16 Clinic	

- * If you are unable to keep the scheduled appointment(s) for any reason, please call your clinic teamlet number listed below.
- * Please check in at the Log-In Counter at the Kirman St entrance.
- * Eye Clinic Patients need to check in at 330 Crampton Street.
- * Dental Clinic Patients need to check in at 975 Kirman Ave.
- * You may be eligible for Beneficiary Travel benefits. Please contact the Travel Office at x1405 to determine your eligibility status.

*** Important Telephone Numbers***

Elig/Enrollment	(775) 328-1293	Mental Health	(775)328-1490
PACT Teamlet Reno	(775) 829-5685	Toll free	(888)838-6256
Spec Medical	(775) 328-1771	Spec Surgical	(775)328-1772
PACT Teamlet Auburn	(530)889-0872	Toll free	(888)227-5404
PACT Teamlet CV	(775)829-5685	Toll free	(888)838-6256
PACT Teamlet Susanville	(530)251-4550	Toll free	(877)816-8572
PACT Teamlet Fallon	(775)428-6161	Radiology	(775)334-4137
PACT Teamlet Winnemucca	(877)320-4990	Eye Clinic	(775)328-1743
Dental	(775)326-2930	Pharmacy	(775)328-1434
Audiology	(775)785-7120	Prosthetics	(775)328-1268
Phys/Occ Therapy	(775)785-7260	Speech Path	(775)785-7260